

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 134 – SB 456**

March 10, 2015

**SUMMARY OF ORIGINAL BILL:** Requires judges to make transdermal alcohol monitoring a condition of bail for vehicular assault, vehicular homicide, and aggravated vehicular homicide if the defendant has a prior alcohol-related conviction. The defendant shall pay for the cost of the monitoring.

**CORRECTED FISCAL IMPACT OF ORIGINAL BILL:**

Increase Local Expenditures – \$35,300/Incarceration\*  
\$20,600/Monitoring

Increase Local Revenue – \$20,600

**SUMMARY OF AMENDMENT (003501):** Creates a Class B misdemeanor for knowingly tampering with, removing, or vandalizing the monitoring device or for knowingly aiding, abetting, or assisting a person in tampering with, removing, or vandalizing a monitoring device.

Requires the monitoring entity or bonding agent to notify the court with jurisdiction over the person of any attempt to tamper with the monitoring device.

Authorizes a bonding agent to surrender a defendant for tampering with a monitoring device.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Statistics from the Department of Correction (DOC) show that vehicular assault, vehicular homicide, and aggravated vehicular homicide have averaged 77.5 admissions per year over the last 10 years.
- It is assumed that 10 percent (7.75) of the admissions have prior alcohol-related convictions and would be subject to the transdermal monitoring requirement.
- The bill does not provide for a finding of indigence. Therefore, any indigent defendant would remain in local custody until his/her trial.

- It is assumed that 25 percent ( $8 \times .25 = 2$ ) of those offenders subject to the transdermal monitoring would be indigent. The other 75 percent (6 offenders) would pay for the transdermal monitoring.
- It is assumed that each indigent offender would spend approximately 9 months (.75 years  $\times$  365.25 days = 273.94 days) in local custody awaiting trial. Housing pretrial defendants is the financial responsibility of local governments.
- The estimated 2015 cost per inmate per day for local jails is \$64.39.
- The bill will increase local incarceration costs by \$35,278  $[(273.94 \text{ days} \times \$64.39) \times 2 \text{ offenders}]$ .
- The other six offenders will qualify for transdermal monitoring and will be able to afford the cost of monitoring.
- Local governments would also have to contract with third parties for the transdermal monitoring devices and actual monitoring of the devices. According to information from the United States Department of Transportation and the Traffic Injury Research Foundation. There is usually an activation fee, a daily charge for monitoring the device, and a deactivation fee.
- The activation and deactivation fees are approximately \$75 each and daily monitoring costs are approximately \$12 per day. The bill will result in increased local expenditures of \$20,624  $\{6 \text{ offenders} \times [\$75 \text{ activation} + \$75 \text{ deactivation} + (\$12 \text{ monitoring} \times 273.94 \text{ days})]\}$ .
- The bill requires the offenders to pay for the cost of the monitoring. The bill will result in an increase in local revenues of \$20,624  $\{6 \text{ offenders} \times [\$75 \text{ activation} + \$75 \text{ deactivation} + (\$12 \text{ monitoring} \times 273.94 \text{ days})]\}$ .
- The bill does not impact the caseload of the Administrative Office of the Courts, the District Attorneys General Conference, or the District Public Defenders Conference.
- It is assumed that most defendants under monitoring will not knowingly tamper with their device. It is assumed that the Class B misdemeanor created by the bill will not significantly increase local incarceration costs.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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